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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,913	07/25/2003	Thomas A. Saldarelli	35451	2415

116 7590 10/21/2004

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EXAMINER


VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,913	<b>Applicant(s)</b> SALDARELLI ET AL.	
	<b>Examiner</b> Steve M Varner	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Fig. 1 attached</u> .                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

See Fig. 1 attached of Oliver et al.

Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver et al.

Regarding claim 7, Oliver et al. shows a base plate insert (A) for use with an axially-elongate tubular anchor body within an anchor assembly for supporting an axially-elongate tubular post, the anchor body having an arcuate interior cross-sectional area, and the tubular post having an arcuate exterior profile and having at least a hollow lower end bounded by an interior surface, the base plate for connection to and closing of one end of the anchor body, the base plate including:

an arcuate portion (B) shaped congruently to the arcuate cross-sectional area of the anchor body for mating into the cross-sectional area of the anchor body; and an upstanding arcuate conical portion (C), the conical portion having a cross-sectional area that is complementary to the hollow lower end of the post and having a greatest radial dimension at a base of the conical portion, the greatest radial dimension being greater than a complementary dimension of the interior surface of the post to cause the interior

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surface of the post to slide over the conical portion and the conical portion to frictionally engage the post to prevent lateral movement of the post relative to the base plate.

Regarding claim 8, Oliver et al. shows wherein the arcuate portion (B) of the base plate is circular to mate with a circular cross-section anchor body, and the conical portion (C) of the base plate is a circular conic.

Regarding claim 9, Oliver et al. shows a truncated conic (C) (Fig. 1, 2).

Regarding claim 10, Oliver et al. shows an axially extending opening (12) (Fig. 1, 2)

Regarding claim 11, Oliver et al. shows the base plate has a flange (D) that extends in an outward radial direction from the arcuate portion (B) of the base plate (A) (Fig. 1, 2).

Regarding claim 12, Oliver et al. shows the base plate wherein the greatest radial dimension of the conical portion of the base plate is sufficiently large to cause frictional engagement with the post at a location of the post that is spaced from the arcuate portion of the base plate.

#### ***Allowed Claims***

Claims 1-6 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Novelli, Sr. shows a grommet. Nesbitt shows a post cap. Wellen et al. shows a rail plug. Bush et al. shows a plastic safety cap for placement over the projecting sharp ends of concrete reinforcing bars. Oliver et al. shows a leaf

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spring tip insert. Kraus shows a retaining plug. Speck shows a support block for use in interconnecting storage crates and method of using same. Borovick shows a concrete form. Biernazki shows a combined decorative and load bearing architectural column for building. Doeringer et al. shows an elevated base for column support. Belli shows brackets for retaining post and board ends.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SV



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

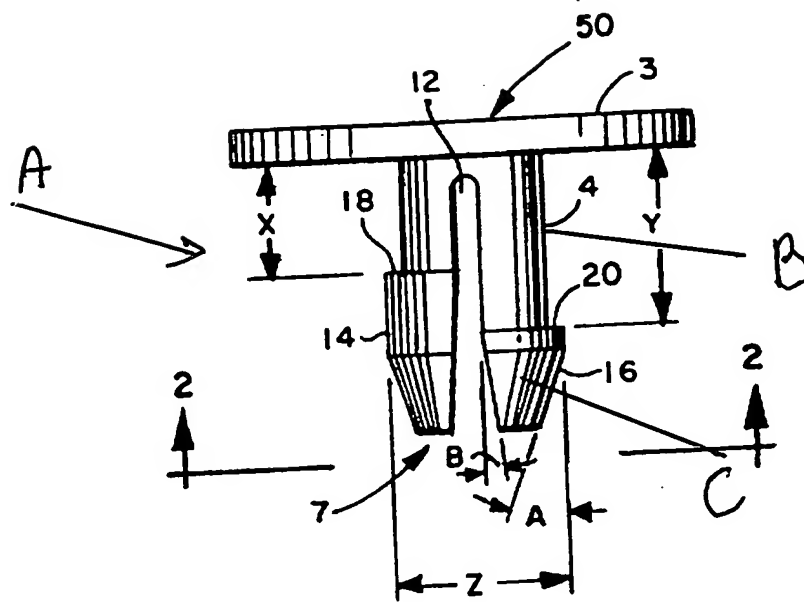


FIG. 1

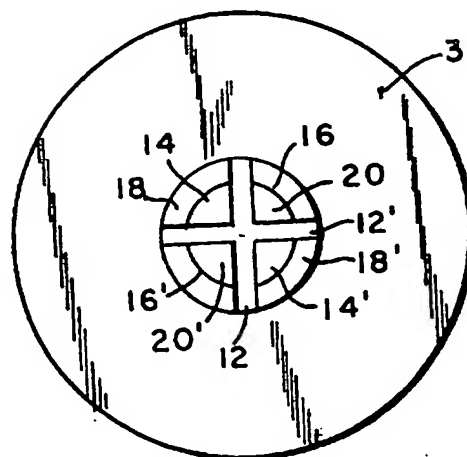


FIG. 2